

United States District Court
Southern District of Texas
FILED

DEC 19 2006

Michael N. Milby, Clerk
Laredo Division

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

DEC 21 2006

Michael N. Milby, Clerk
Laredo Division

NANCY DURAN MUNGIA, ET AL.,

Plaintiffs,

VS.

CITY OF LAREDO, ET AL.,

Defendants.

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CIVIL ACTION NO. L-05-137

JUDGMENT

On December 18, 2006, the Court held a settlement hearing in this case. Nancy Duran Mungia, next friend of minors Daniell Mungia, Jesse Evilio Mungia, and Samantha Rene Mungia, appeared in person as did Plaintiff Severina Guerra. Attorneys for both sides were present along with Adriana Benavidez Maddox, the appointed attorney-ad-litem for the minors.

The evidence reflects that the next friend is fully informed with respect to the facts of liability, the disputed nature of Plaintiffs' causes of action, and the nature and extent of the damages claimed. She has voluntarily agreed to compromise and settle all causes of action of the adults and minors for the total consideration of \$130,000.00.

The Court further finds that Adriana Benavidez Maddox, the attorney-ad-litem, recommends approval of the settlement as being in the best interest of the minor children.

The proposed settlement provides that the Texas Municipal Intergovernmental Risk Pool on behalf of the Defendants agrees to make Periodic Payments to Daniell Mungia, Jesse Evilio Mungia,

Samantha Rene Munguia, minors, as follows:

Payee: Daniell Munguia

Payments: \$250.00 paid monthly, guaranteed for 7 years and 1 month only. Payments commence on 8/14/2014 with the last guaranteed payment on 8/14/2021; and \$18,329.39 guaranteed lump sum payment of 8/14/2021 (age 25)

Payee: Jesse Evilio Munguia

Payments: \$250.00 paid monthly, guaranteed for 7 years and 1 month only. Payments commence on 7/29/2016 with the last guaranteed payment on 7/29/2023; and \$23,441.22 guaranteed lump sum payment on 7/29/2023 (age 25)

Payee: Samantha Rene Munguia

Payments: \$250.00 paid monthly, guaranteed for 7 years and 1 month only. Payments commence on 2/27/1018 with the last guaranteed payment on 2/27/2025; and \$27,844.43 guaranteed lump sum payment on 2/27/2025 (age 25)

The Court finds that the agreement to compromise and settle all claims, demands, and causes of action contained in a separate document entitled "Settlement Agreement and Release," executed by all parties and their representatives, is reasonable, fair, and just. Therefore, the Court approves that agreement, which is incorporated by reference herein.

It is, therefore, ORDERED that the Plaintiffs have and recover from the City of Laredo the sum of ONE HUNDRED THIRTY THOUSAND AND NO/100THS DOLLARS (\$130,000.00), to be distributed among the Plaintiffs pursuant to the Settlement Agreement and as also described herein.

It is further ORDERED that Adriana Benavidez Maddox is awarded the sum of \$2,500.00 as a reasonable attorney-ad-litem fee for the representation of the minor children. The fee is taxed against the Defendants as court costs.

It is further ORDERED that the Plaintiffs are awarded

\$2,500.00 in court costs.

It is further ORDERED that all relief sought or prayed for by any of the parties hereto which is not herein specifically granted is hereby in all things denied. Upon payment of all sums described herein, Defendants are discharged from all further liability to Plaintiffs.

All costs and attorneys' fees not otherwise disposed of in this Order are the responsibility of the party by whom incurred.

DONE at Laredo, Texas, this 19th day of December, 2006.


United States District Judge